

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 3	Number 13	Effective Date 01/24/11	Review Date 2014
Subject SOCIAL MEDIA			☒ New Order ☐ Replaces
References Virginia Code §15.2 -1512.4 City of Richmond Administrative Regulation 2.5, 2.7 General Orders 1-1, 3-5			
 Chief of Police or Designee		01/24/11 Date	

I. PURPOSE

The Department endorses the secure use of social media to enhance communication, collaboration, information exchange, streamline processes and foster productivity. This policy establishes the Department's position on the utility and management of social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media; rather social media in general as advances in technology will occur and new tools will emerge.

II. POLICY

Department employees enjoy free speech rights but such rights are subject to certain limitations due to the nature of law enforcement work. It is the policy of the Richmond Police Department to regulate social media activity that may adversely impact the overall Department, its employees and its mission. As such, this policy provides information of a precautionary nature, as well as prohibitions on the use of social media by Department personnel.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. **PAGE** – The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrative rights.

- B. POST – Content an individual shares on a social media site or the act of publishing content on a site.
- C. SOCIAL MEDIA – A category of internet-based resources that integrate user-generated content and user participation. This includes, but not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo-video sharing sites (Flickr, YouTube), Wikis blogs, and news sites (Digg, Redit).
- D. SPEECH – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video or related forms of communication.
- E. WEB 2.0 – Second generation of the World Wide Web focused on shareable, user generated content rather than static web pages. Term is inter-changeable with social media.

V. PROCEDURE

- A. Department Sanctioned Presence:
 - 1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. Efforts should be made to link the pages to the Department's official website. Where possible social media pages should state that the opinions expressed by visitors do not reflect the opinions of the Department.
 - 2. The Department's social networking pages are available for any comment on topics relevant to the business of the Department or in response to a posting. The comments may be positive or negative, praise or criticize. There are several advantages to social media networking to include community outreach and communication and establishing a forum for interested people to share comments and criticisms with the Department so that members may learn about real or perceived shortcomings and respond appropriately either by disseminating correct information, offering an explanation or changing its actions and reporting the change.
 - 3. The Public Affairs Unit shall maintain and monitor the Department's social networking accounts.
 - a) The Public Affairs Unit will manage all Web 2.0 application in compliance with established City policies and protocols.
 - b) No Web 2.0 application will be initiated or run in the name of the Department without the written consent of the Chief of Police. No employee will post material on behalf of the Department without the expressed written consent of the Chief of Police.
 - c) Requests by Divisions or Units to utilize "social media" as a formal communications tool must be submitted in writing to the Public Affairs Unit and forwarded for approval to the Chief of Police.

- d) Requests to develop project or program specific uses for any social media tools should be directed to the Public Affairs Unit for consultation and development. Consideration will be given to the appropriate venue and application of tools.
4. The Public Affairs Unit shall routinely review the accounts on a daily basis during the work week, as well as employ account settings and establish alerts regarding newly posted comments. The Public Affairs Unit shall remove comments from the site if they are deemed inappropriate or as directed by the Public Affairs Manager.
- a) Comments that attack or insult an individual or group to include (but not limited to) name-calling, profanity, obscenity, defamation or remarks disparaging people on the basis of race, gender, sexual orientation, disability or national origin, will be removed from the Department's sites.
 - b) The Public Affairs Unit shall remove inappropriate comments from the webpage as soon as they are discovered. If feasible, Public Affairs shall document by screen capture, remove the comment, log the date, time, fan and comment for future reference. If a particular fan repeatedly posts inappropriate comments, Public Affairs shall disqualify that fan from membership.
 - c) Social media content shall adhere to all applicable laws, regulations and policies including all information technology and records management policies.
 - d) Social media content is subject to public records laws. Relevant records retention schedules apply to social media. Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.
5. Department personnel representing the Department via social media outlets shall identify themselves as a member of the Department and shall adhere to all department policies.

B. Personal Use:

- 1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department or negatively affect the public perception of the Richmond Police Department.
- 2. No photographs, facsimiles, drawings or other depictions of the Richmond Police Department uniforms, badges, patches, seals, police vehicles/equipment or anything else that might visually represent the Department shall be used or published in a manner that would tend to bring discredit to the Department or any City employee. Employees appearing online in uniform have automatically created a link between their online content and their employment with the Department.

3. As public employees, all personnel are cautioned that speech on or off duty, made pursuant to their official duties- that is, that owes its existence to the employee's professional duties and responsibilities-is not protected under the First Amendment and may form the basis for discipline up to termination if deemed detrimental to the Department. Personnel should assume that their speech and related activity will reflect upon the Department.
4. Department members should be aware that privacy settings and social media sites are in constant flux. Employees should never assume that personal information posted on such sites is protected.
5. This policy supplements the directives for employee conduct contained in all other Department general orders and provides guidance for employees in applying those standards to the content of their online postings. The following rules apply when publishing content online:
 - a) Employees shall not post confidential, sensitive or copyrighted information to which they have access due to employment with the City, to include data from an ongoing investigation such as (but not limited to) photographs, video or audio recordings, information regarding use of force incidents, internal affairs investigations or pending prosecutions.
 - b) Employees shall not post speech containing obscene or sexually explicit language, images or acts and statements or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, any religion or any protected class of individuals.
 - c) Employees shall not post content that contains material inappropriate for public viewing such as (but not limited to) content that promotes illegal activity, violates the rights of any person or entity or threatens the safety of any person or entity.
 - d) Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department employees thus sanctioned are subject to discipline up to and including termination.
 - e) Content posted has the potential to be shared broadly, including to people with whom employees did not intend to communicate, and may be subpoenaed by opposing counsel if it is relevant to a lawsuit related to an employee's official duties. Employees shall keep in mind that all content may be printed and re-distributed outside of the original recipient group.
 - f) Employees shall not engage in social networking activities on the Internet while on duty unless such use is part of an ongoing criminal investigation or other Department function. Use of social media tools remain subject to the City of Richmond computer use policies.

- g) Employees should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the Department without any prior notice.
- h) Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of this policy shall notify his or her supervisor immediately.

C. Issues of General or Public Concern:

1. Employees may comment on issues of general or public concern, as opposed to personal grievances, including (but not limited to) local issues and criticism of local officials and policies, so long as the comments do not disrupt the workplace, interfere with important working relationships or efficient workflow, or undermine public confidence in the employee or Department. These instances shall be judged on a case-by-case basis, as necessary.
2. The employee shall adhere to the following guidelines provided to assist in determining if content is appropriate:
 - a) Matters of public concern are Department matters of interest to the community as a whole, whether for social, political or other reasons.
 - b) Virginia Code §15.2-1512.4 permits employees to express opinions on matters of public concern to state or local elected officials regardless of the impact on the workplace.
 - c) Examples of local issues of general concern include the budget, spending priorities, any question scheduled for public hearing, illegal discrimination, official corruption, official impropriety, malfeasance on the part of the government, misuse or waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operating government agencies, violation of law, local elections and/or public safety.
 - d) Examples of state or national issues of general or public concern include election campaigns, elected officials, legislation, national security, budgets, foreign policy and/or any topic of broad public interest and debate.
 - e) Examples of personal grievances include disciplinary action, work schedule, morale and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption or waste. These comments may subject an employee to disciplinary action if they constitute insubordination or otherwise violate general rules of code of conduct.